

REMARKS

An excess claim fee payment letter is submitted herewith for three (3) excess independent claims.

Applicant concurrently files herewith a petition and fee for a one-month extension of time.

Claims 1-20 are presently pending in this application. Claims 1-6 have been amended to more particularly define the invention. Claims 7-20 have been added to assure Applicant the degree of protection to which his invention entitles him.

It is noted that the claim amendments are made only to assure grammatical and idiomatic English and improved form under United States practice, and are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1 and 3-6 were rejected under 35 U.S.C. §102(e) as being anticipated by Singhal, U.S. Patent No. 6,256,666. Claims 2-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Singhal in view of Luzeski et al., U.S. Patent No. 6,301,245. These rejections are traversed. It is respectfully submitted that all of the claims are allowable.

THE CLAIMED INVENTION

The claimed invention is directed to a mobile terminal for, and a method of, communicating data through wireless communication channels. The data includes main data and accompanying data. The main data, which, for example, might be an e-mail message or a web site page, has information written into it about the accompanying data. The accompanying data

might be an attachment to an e-mail message or a picture on a web page, for example.

In one exemplary embodiment, the invention comprises a mobile terminal which includes a main data acquisition part to acquire the main data through a predetermined communication channel, and a communication channel selection part which is responsive to the information written in the main part to select a communication channel to receive the accompanying data. In one embodiment, an individual accompanying data communication channel determination part determines a communication channel for receiving the accompanying data according to the information written in the main part, and the communication channel selection part selects the communication channel determined by the determination part.

An exemplary embodiment of the method includes acquiring the main data through a communication channel, selecting a communication channel to receive the accompanying data based on the information written in the acquired main data, and receiving the accompanying data through the selected communication channel.

It is respectfully submitted that method claims 15-20 are closely enough related to apparatus claims 1-14 that all 20 claims can be examined in this one application.

THE PRIOR ART REFERENCES

The Singhal Reference

Singhal discloses a method and system for remotely managing electronic mail attachments. The electronic mail is received over a wireless communication channel, and any attachment is evaluated. The attachment might be deleted, detached, or launched, based on the result of the evaluation.

The Luzeski Reference

Luzeski discloses an universal messaging system providing voice, data, and fax

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messaging services and including a large object server. "Small" messages, such as e-mail messages, are stored in message store 10-2 and are accessed via the Internet over a first path "A." "Large" objects, such as fax messages and voice messages, are stored in voice/fax store 10-9 and are accessed via the Internet over a second path "B," bypassing the TCP/IP interface/router 10-6.

ARGUMENT

In the claimed invention, main data is acquired through a first predetermined communication channel. The main data includes information about any accompanying data, and the accompanying data is acquired through a communication channel which is selected in accordance with the information. The accompanying data may be acquired through the same communication channel as the main data, or the accompanying data may be acquired through a different communication channel, depending upon the information.

In Singhal's method and system, all data is received over the same communication channel. Singhal's method and system are concerned with handling attachments after they are received, for example by deleting, detaching, or launching the attachments. Singhal does not select a communication channel for the attachments based on information written into the main data.

Luzeski's system selects a communication path based on the type or size of the message. Small messages are transmitted via one channel, while large messages are transmitted by another channel. There is no suggestion of an attachment coming by a different channel than that taken by its message.

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CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and that the application is in condition for allowance. Such action would be appreciated.

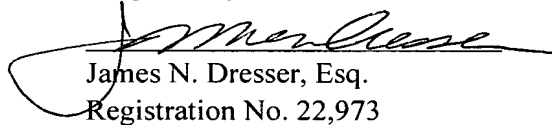
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. §1.136. The Commissioner is hereby authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

September 10, 2004

Respectfully Submitted,


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AMENDMENT TO THE DRAWINGS

Figure 5 is amended to add the legend “YES” adjacent the lower output of decision block S274.

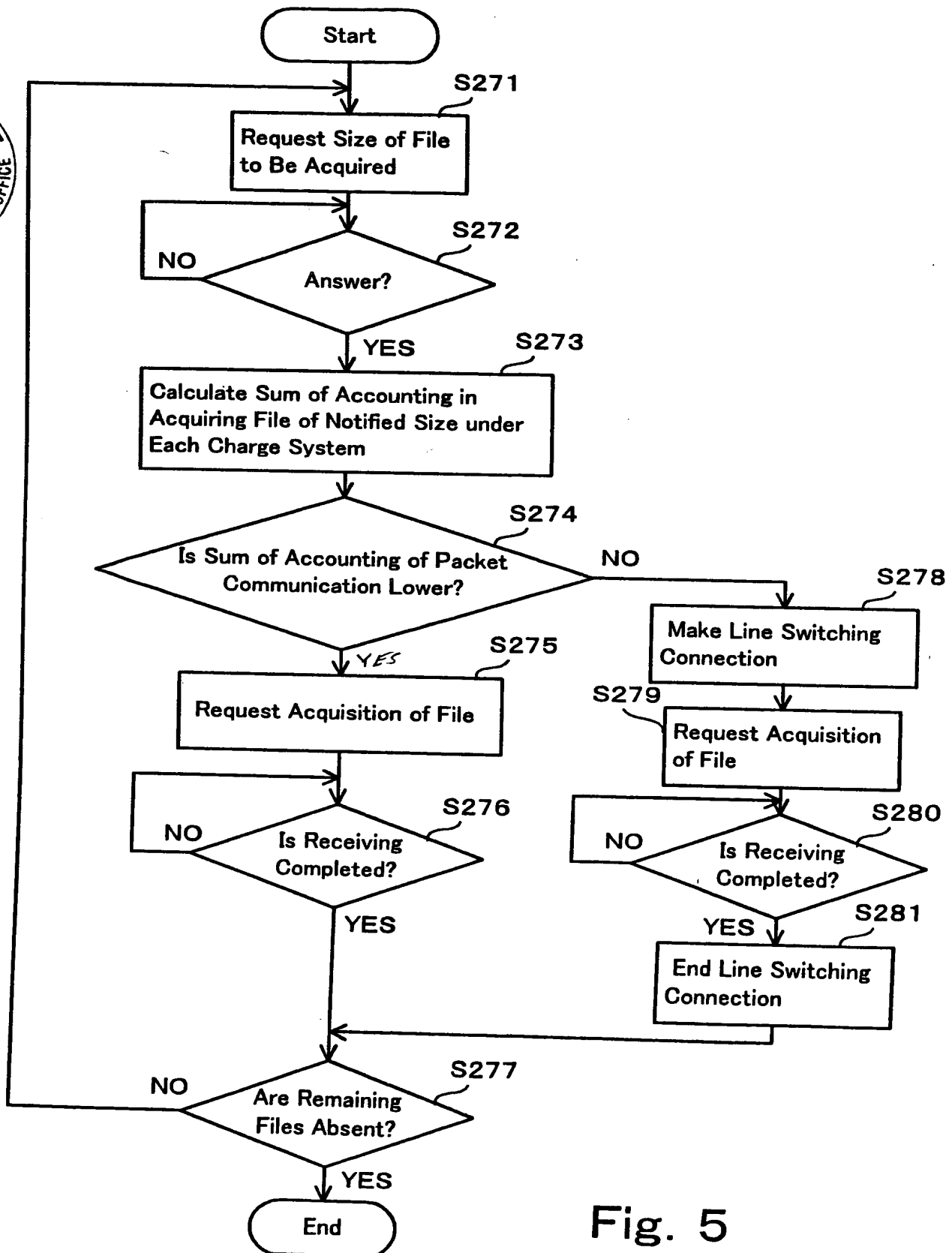


Fig. 5

